

UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

TEXAS

APR 21 2005

Michael N. Milby, Clerk of Court

UNITED STATES OF AMERICA
v.

HARVEY LEE PLUFF, JR.

CORPUS CHRISTI, TEXAS

CRIMINAL COMPLAINT

Case Number: CR C 05-267M

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about November 6, 2004 in Nueces County, in the Southern District of Texas defendant(s) did,

(Track Statutory Language of Offense)

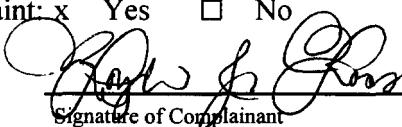
Use of Facility of Interstate Commerce to Attempt to Induce a Minor to Engage in Criminal Sexual Activity for Wh a Person Could be Charged with a Criminal Offense; Interstate Distribution of Child Pornography; and Use of Interstate Facility to Transmit Information About a Minor

in violation of Title 18 United States Code, Section(s) 2422(b); 2252(A)(a)(1); & 2425.

I further state that I am a(n) Special Agent of the FBI and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part of this complaint: Yes No


Signature of Complainant

Royleen J. Ross, Special Agent, FBI

Printed Name of Complainant

Sworn to before me and signed in my presence,

April 21, 2005
Date

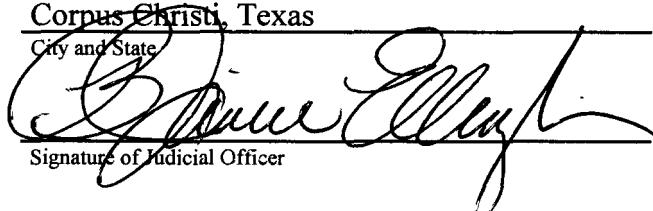
B. JANICE ELLINGTON, US Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State


Signature of Judicial Officer

**SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI, TEXAS
AFFIDAVIT**

Affiant, Royleen J. Ross, is a Special Agent of the Federal Bureau of Investigation (FBI) and has served in that capacity for approximately seventeen (17) months.

The following facts and information are known by the Affiant and were provided by other law enforcement officers directly involved in the investigation of this matter. These facts and information are being provided as probable cause in support of an application for a complaint in violation of Title 18, United States Code, Section 2422(b), Use of Facility of Interstate Commerce to Attempt to Induce a Minor to Engage in Criminal Sexual Activity for Which a Person Could be Charged with a Criminal Offense; Title 18, United States Code, Section 2252(A)(a)(1), Interstate Distribution of Child Pornography; and Title 18, United States Code, Section 2425, Use of Interstate Facility to Transmit Information About a Minor.

Federal Bureau of Investigation Special Agent Douglas Macfarlane, using an internet connected computer, posed online as a twelve (12) year old female. Special Agent Douglas MacFarlene has been employed as a Special Agent for more than eight years. He is currently assigned to a multi-agency child exploitation task force known as the Southern California Regional Sexual Assault Felony Enforcement Team ("SAFE Team"). His responsibilities include the enforcement of federal criminal statutes involving the sexual exploitation of children pursuant to Title 18, United States Code, Section 2252, et seq. As part of his training as a member of the SAFE team, he has attended a one-week training class regarding the internet, on-line child pornography, and internet child enticement investigations. He has also consulted with his colleagues who have many years of experience investigating child pornography and child exploitation cases.

As further detailed in the below paragraphs, evidence in this affidavit can be summarized as follows: An individual, identified as Harvey Lee Pluff, Jr., using the AOL screen name "Enviroworker1627," initiated numerous IM chat sessions with Agent Macfarlane while he was posing online as a 12 year-old girl named "Julie." During these chats, Pluff initiated conversation on topics of sex, meeting "Julie" in person, and performing various explicit sexual acts with "Julie."

During the course of these chats, Pluff sent to "Julie," via e-mail, over 30 JPG pictures and 4 MPG movie files appearing to depict child pornography. Pluff sent these files to "Julie" in order to show her girls her age (and younger) do actually engage in sexual activity and to show her what he wished to do with her when they meet. In addition, Pluff gave "Julie" the AOL screen name of his niece, who he claimed was approximately twelve years-old, and asked "Julie" to chat with his niece. Pluff wanted "Julie" to chat with his niece and determine if his niece would allow Pluff to see her (the niece) nude or to do sexual activity with Pluff.

Throughout the IM chat sessions during this case as described below, Agent Macfarlane communicated with Pluff using common IM chat abbreviations and mannerisms.

On November 6, 2004, Agent Macfarlane used a computer in Los Angeles, California to log onto AOL in an undercover capacity using the AOL profile "CAJulie1992." This profile, which other AOL users are able to access and review, identified CAJulie1992 as a single female named Julie who

lived in West Los Angeles and who just started 7th grade (hereafter referred to as "Julie"). Using this AOL screen name, Agent Macfarlane joined a chat room created by AOL users entitled "taboo." At approximately 4:05 p.m., an individual using the AOL screen name "Enviroworker1627," later identified as Pluff, initiated a private IM chat session with "Julie." The following conversation occurred during this chat session:

- a. "Enviroworker1627" described himself as a 31 year-old male from Texas. "Julie", in turn, identified herself as a 12 year-old female living in Los Angeles.
- b. "Enviroworker1627" then asked "Julie" if she had a picture she could send him, and he asked what she looked like. "Enviroworker1627" next asked "Julie" if she liked older men and later stated to "Julie" that he "wish you were here."
- c. "Enviroworker1627" sent "Julie" via e-mail a JPG photograph of himself which appeared to be a heavy-set male approximately 30 years old with brown hair and wearing glasses.

On November 12, 2004, Agent Macfarlane again logged into AOL in an undercover capacity as "Julie." At approximately 6:02 p.m., "Enviroworker1627" initiated another IM chat session, during which the following conversation occurred:

- a. "Enviroworker1627" sent "Julie" a JPG picture of a young girl that he claimed was his 10 year-old niece. "Julie" reiterated her own age by saying "wow thats 2 yrs younger than me!"
- b. "Julie" asked, "wats on ur mind 2 night?" to which "Enviroworker1627" responded, "sex sex and more sex lol." He then stated, "i just don't know if im sick or not i just always fantasise about young girls" and "their sweet tender bodies."
- c. "Julie" then asked if he had ever done anything with a girl her age (12). "Enviroworker1627" responded, "no i wish." "Julie" responded by saying, "k well i dont kno much bout tat stuff iz it ok for girls my age 2 do tat stuff?" "Enviroworker1627" stated, "my opinion yes but some no." "Enviroworker1627" then asked "Julie" again for her picture.

On November 22, 2004, Agent Macfarlane logged into AOL in an undercover capacity as "Julie." At approximately 4:12 p.m., "Enviroworker1627" initiated another instant message chat session with "Julie", during which the following conversation occurred:

- a. "Julie" sent to "Enviroworker1627" an e-mail containing a JPG picture which she claimed was a photograph of herself but in actuality was a photograph of a Los Angeles County Sheriff's Deputy, taken at approximately age 12, who has consented to the use of this photograph in child exploitation cases. The photograph depicts a young, thin female with shoulder-length blond/brown hair who is pictured from the waist up dressed in a green and blue sleeveless top.

This file was named "jules1.jpg."

- b. In response to seeing this photograph, "Enviroworker1627" told "Julie" that she was "woooooooooooooowwwwwww hot" after which he asked "Julie" if she had a boyfriend. "Julie" again reiterated to him that she was 12 years old.
- c. "Enviroworker1627" asked "Julie" if she was "interested in sex?" He also said that girls Julie's age and even younger have sex. He said, "i seen them [have sex] around 8" and that "it's true it's illegal but it does happen."
- d. "Enviroworker1627" then asked "Julie" if she was alone. After she said that she was, "Enviroworker1627" asked, "want me to see if i can find you a pic?"
- e. After responding that she would, "Enviroworker1627" sent via e-mail to "Julie" two JPG photos containing images that appeared to be child pornography. Specifically, the first photo depicts a blond haired female who is approximately 6 years old. She is nude and sitting on a toilet seat with her legs spreads. An erect penis is partially inside her vagina. The second photo depicts a brown-haired female who is approximately 8 years old. She is nude and sitting on a bed. There is an adult male standing on the bed, and the male has his erect penis in the female's mouth.
- f. After sending the pictures, "Enviroworker1627" asked, "think you would ever try it?" "Enviroworker1627" also estimated that the age of the girls in the photographs are 9 or 10 years-old. "Enviroworker1627" told "Julie" that it's against the law for an adult to have sex with a minor, and he asked, "what is your opinion?" and "but would you tell if say you were to let a man do that to you would you tell anyone or keep a secret?" "Enviroworker1627" then asked if he could talk to "Julie" on the telephone.

On November 26, 2004, Agent Macfarlane logged into AOL in an undercover capacity as "Julie." At approximately 1:02 p.m., "Enviroworker1627" initiated another instant message chat session with "Julie", during which the following conversation occurred:

- a. "Enviroworker1627" said that he can't keep looking at the [child pornography] pictures that he previously sent "Julie" because "they make me hard." "Enviroworker1627" told "Julie" that he has liked girls her age for 9 years.
- b. "Enviroworker1627" then asked, "so if i was in your area would ;you ever want to meet me in person" and "are you couriouse about trying the things in the pics?"
- c. "Enviroworker1627" told "Julie" that he would like to do the things depicted in the photographs with "Julie." He asks "Julie" a series of questions: "would you kiss me"; "would you let me touch your breasts"; "would you let me rub you butt"; "would you let me touch you pussy"; "would you let me lick it...it's called eating you out i would take my tongue and lick your pussy"; "would you touch my man thing....you take your hand and hold it and move your hand up

and down on it"; and "ok would you put it in your mouth and suck it."

- d. When asked by "Julie" where they would do all of these things, "Enviroworker1627" responded, "will a motel work?" "Julie" asked him if he was going to tell her mother if they did these acts. "Enviroworker1627" said, "heck no i don't want to go to jail."

On November 28, 2004, Agent Macfarlane logged into AOL in an undercover capacity as "Julie." At approximately 9:02 p.m., "Enviroworker1627" initiated another instant message chat session with "Julie", during which the following conversation occurred:

- a. "Enviroworker1627" asked, "ok you remember the pic of the girl with the mans penis in her mouth would you do that to me" and "ok would you let me stick my dick in you." "Enviroworker1627" said he would use a condom so that "Julie" would not get pregnant.
- b. "Julie" asked him, "r u serius bout meetin me?" to which "Enviroworker1627" responded, "yes."

On December 8, 2004, Agent Macfarlane logged into AOL in an undercover capacity as "Julie." At approximately 5:37 p.m., "Enviroworker1627" initiated another instant message chat session with "Julie", during which the following conversation occurred:

- a. "Enviroworker1627" said that he lives in a trailer now but that he's looking to move near Corpus Christi, Texas. He also says that he has an "hp" (Hewlett Packard) desktop computer.
- b. "Enviroworker1627" asked "Julie" for more pictures of herself and talked about seeing her in a bikini and thong underwear. He also asked, "have you ever played with yourself down below or ever thought about doing it?" "Enviroworker1627" told "Julie" that he still masturbates and instructed her, "while in the shower one day just take your finger and start rubbing your pussy with it and you will see."

On December 17, 2004, Agent Macfarlane logged into AOL in an undercover capacity as "Julie." At approximately 3:31 p.m., "Enviroworker1627" initiated another instant message chat session with "Julie", during which the following conversation occurred:

- a. "Enviroworker1627" said that he moved into a new place in "calallen"

On December 21, 2004, Agent Macfarlane logged into AOL in an undercover capacity as "Julie." At approximately 10:34 a.m., an instant message chat session began between "Enviroworker1627" and "Julie" during which the following conversation occurred:

- a. "Enviroworker1627" told "Julie" that his wife's name is "Gloria."
- b. "Julie" asked him what "Enviroworker1627" wanted for Christmas. He said that he wanted a new job, one that was "a over the road one so i can come to

la....[to] see you:-P"

- c. When asked what they would do if they met, "Enviroworker1627" responds, "at first we would start by kissing" and "then while we were kissing we would feel each other up" and "face stomach but pussy" and "yup and you could rub my dick."

On December 23, 2004, Agent Macfarlane logged into AOL in an undercover capacity as "Julie." At approximately 7:57 p.m., "Enviroworker1627" initiated another instant message chat session with "Julie". The following is an excerpt from the chat on this date:

CAJulie1992 [7:58 PM]: im good wat u up2?
Enviroworker1627 [7:59 PM]: getting ready to take wife to hospital
Enviroworker1627 [7:59 PM]: hospital
CAJulie1992 [7:59 PM]: wat? wats wrong!?
Enviroworker1627 [7:59 PM]: she can't get her sugar down
CAJulie1992 [7:59 PM]: tat sounds bad
Enviroworker1627 [8:00 PM]: it is i checked her sugar and all the machine said was
hi and that aint good
CAJulie1992 [8:00 PM]: u bettr go help her then
Enviroworker1627 [8:01 PM]: oh i am she on the phone with the doctor
Enviroworker1627 [8:02 PM]: so what you been up to sexy

[Later in the chat]

CAJulie1992 [8:09 PM]: iz ur wife k?
Enviroworker1627 [8:09 PM]: yea doctor said for her to take another pill
Enviroworker1627 [8:09 PM]: so what you wearing sexy

On December 29, 2004, Agent Macfarlane logged into AOL in an undercover capacity as "Julie." At approximately 7:42 p.m., "Enviroworker1627" initiated another instant message chat session with "Julie", during which the following conversation occurred:

- a. "Enviroworker1627" asked, "if i was to come see you how would you react?" When asked if he was serious about meeting "Julie", "Enviroworker1627" responds, "if i can i will i am serious about meeting you."
- b. "Enviroworker1627" then talked about various things he wanted to do with "Julie" at a hotel room including: "would you let me rub your pussy"; "oh yeah and lick it"; "i would eat yours for an hour"; "would you play with my cock"; and "i would were a codum if i was to stick my dick in you."
- c. "Julie" asked when they were going to do all of these things. "Enviroworker1627" responded, "hopefully next summer...been checking plane tickets."

On January 2, 2005, Agent Macfarlane logged into AOL in an undercover capacity as "Julie." At approximately 7:12 p.m., "Enviroworker1627" initiated another instant message chat session with

"Julie", during which the following conversation occurred:

- a. "Enviroworker1627" said that he has "vids now of girls young doing it," and he asked if "Julie" wanted to see them. After "Julie" said yes, "Enviroworker1627" sent to "Julie" via e-mail two MPG files appearing to contain child pornography. Specifically, the first movie file depicts a brown-haired female who is approximately 7 years old wearing a blue sweatshirt. The female is performing oral sex on the penis of an adult male, and the male eventually ejaculates into the female's mouth. The second video depicts a close-up view of the genitalia of what appears to be a preteen female having sexual intercourse with an adult male.
- b. After the files were sent, "Enviroworker1627" and "Julie" discussed the video of the girl performing oral sex on the adult male. "Enviroworker1627" asked, "so would you do that to me?"

On January 3, 2005, Agent Macfarlane logged into AOL in an undercover capacity as "Julie." At approximately 4:50 p.m., "Enviroworker1627" initiated another instant message chat session with "Julie", during which the following conversation occurred:

- a. "Enviroworker1627" told "Julie" that he was applying for a new trucking job which included routes in Los Angeles. "Enviroworker1627" said, "hope i get the job i want to see you bad."

On January 12, 2005, Agent Macfarlane logged into AOL in an undercover capacity as "Julie." At approximately 5:29 p.m., "Enviroworker1627" initiated another instant message chat session with "Julie", during which the following conversation occurred:

- a. "Enviroworker1627" said that he did not get his new job which (would have included trucking routes in Los Angeles). "Enviroworker1627" indicated that he was upset that he did not get the job because "i realy wanted that job" and "i could have seen you." When asked if he was serious about meeting, he said, "yes."

On January 30, 2005, Agent Macfarlane logged into AOL in an undercover capacity as "Julie." At approximately 7:27 p.m., "Enviroworker1627" initiated another instant message chat session with "Julie", during which the following conversation occurred:

- a. "Enviroworker1627" asked if "Julie" had any more pictures of her for him, and he asked about her underwear. He also asked when they could talk on the telephone.
- b. The following is an excerpt from the chat on this date:

Enviroworker1627 [8:06 PM]: tell your mom you want to go on vacation to tx
CAJulie1992 [8:07 PM]: lol y?
Enviroworker1627 [8:08 PM]: so we can meet
Enviroworker1627 [8:08 PM]: :-D

CAJulie1992 [8:08 PM]: lol u really wann do tat?
Enviroworker1627 [8:09 PM]: heck yeah don't you

[Later in the chat]

Enviroworker1627 [8:16 PM]: TELL HER YOU WANT TO MOVE TO TX
CAJulie1992 [8:16 PM]: lol
Enviroworker1627 [8:16 PM]: IF SHE ASKES WERE TELL HER CORPUS CHRISTI
CAJulie1992 [8:17 PM]: lol y u wanna meet me so bad??? :)
Enviroworker1627 [8:17 PM]: SO I CAN CHEER YOU UP
CAJulie1992 [8:18 PM]: lol u do tat already
Enviroworker1627 [8:18 PM]: YAH BUT IT WOULD CHEER ME UP IF WE COULD SEE EACH OTHER
CAJulie1992 [8:19 PM]: u depressed?
Enviroworker1627 [8:19 PM]: JUST BORED
CAJulie1992 [8:19 PM]: me 2 :-(
Enviroworker1627 [8:20 PM]: YOU WOULDN'T B HERE
CAJulie1992 [8:21 PM]: lol how u gonna entertian me?
Enviroworker1627 [8:21 PM]: MOVIES BEACH WALKS EVERYTHING
CAJulie1992 [8:22 PM]: k well moms not gonna wanna move to tx
CAJulie1992 [8:22 PM]: :(
Enviroworker1627 [8:22 PM]: BE PERSUASIVE
CAJulie1992 [8:22 PM]: y dont i just tell her i wanna met u?
Enviroworker1627 [8:23 PM]: OH AND HAVE HER CALL THE COPS ON ME AND HAVE ME ARRESTED
Enviroworker1627 [8:24 PM]: :'(
CAJulie1992 [8:24 PM]: i just teasin i kno not 2 tell her bout u
CAJulie1992 [8:24 PM]: but i still dont get how u get in trouble tho
Enviroworker1627 [8:25 PM]: IT'S AGAINST THE LAW FOR A MAN TO BE WITH A GIRL UNDER THE AGE OF 18
CAJulie1992 [8:25 PM]: well i used 2 hang out wit my dad iz tat illegal?
Enviroworker1627 [8:25 PM]: NO BECAUSE HE IS YOUR FATHER
CAJulie1992 [8:26 PM]: k i still confusd i sorry i so stupid
Enviroworker1627 [8:26 PM]: YOUR NOT STUPID
Enviroworker1627 [8:26 PM]: ok lets explain it this way
Enviroworker1627 [8:27 PM]: you know why i want to meet you right
CAJulie1992 [8:27 PM]: y
Enviroworker1627 [8:27 PM]: you don't know
CAJulie1992 [8:27 PM]: i think i do tell me!
Enviroworker1627 [8:27 PM]: tell me what you think
CAJulie1992 [8:28 PM]: well u talkd b4 bout doing sex stuff with me tat wat u mean?
Enviroworker1627 [8:28 PM]: that and the other stuff
Enviroworker1627 [8:29 PM]: ok by law if i do those things to you and even if you want it it is considered child molesting
Enviroworker1627 [8:29 PM]: and it is against the law to molest a child
CAJulie1992 [8:29 PM]: so u wanna have sex wit me if we meet?
Enviroworker1627 [8:29 PM]: like i said only if you let me

CAJulie1992 [8:30 PM]: k i think i k wit tat
Enviroworker1627 [8:30 PM]: now you understand why us have to be between you and me only
CAJulie1992 [8:31 PM]: yeah i didnt kno u could get in trouble 4 havin sex with me
Enviroworker1627 [8:31 PM]: why you think not
CAJulie1992 [8:31 PM]: i just didnt no tat
Enviroworker1627 [8:32 PM]: oh ok but you wouldn't get me in trouble if we did it would ylou
CAJulie1992 [8:32 PM]: oh no not if ur nice 2 me like u hav always been :)
Enviroworker1627 [8:32 PM]: i will always be that
CAJulie1992 [8:32 PM]: kewl :)
Enviroworker1627 [8:33 PM]: so would you let me do you
CAJulie1992 [8:33 PM]: let me have sex wit u?
Enviroworker1627 [8:33 PM]: yes
CAJulie1992 [8:34 PM]: yeah probaby will i get pregnntnt?
Enviroworker1627 [8:36 PM]: no i would use a condum
Enviroworker1627 [8:36 PM]: or you could take birth control pills

[Later in the chat]

CAJulie1992 [8:48 PM]: u still want me 2 ask mom bout tx?
Enviroworker1627 [8:48 PM]: sure you would you want to move here
Enviroworker1627 [8:50 PM]: if not we could tell her you met some pen pals and one is a substitute teacher from tx and maybee get it so you could start talking with my wife and maybee get it so you can fly over here for the summer and visit
CAJulie1992 [8:51 PM]: i dont hav \$ 4 a ticket
Enviroworker1627 [8:51 PM]: i would buy your ticket silly
CAJulie1992 [8:52 PM]: u would? wow
Enviroworker1627 [8:52 PM]: yes

On February 17, 2005, Agent Macfarlane logged into AOL in an undercover capacity as "Julie." At approximately 2:52 p.m., "Enviroworker1627" initiated another instant message chat session with "Julie", during which the following conversation occurred:

- a. "Enviroworker1627" said that he lost "Julie's" JPG picture asked for her to resend it. He then proceeded to send to "Julie" via e-mail eleven JPG photos and one MPEG movie file which appeared to be child pornography. These photos depict females from approximately 5 to 12 years old in various nude poses with their genitalia exposed, sometimes engaged in sexual activity with adult males. The MPG movie file depict a blond-haired female who is approximately 13 years-old. The female takes her shirt off and allows another male, also approximately age 13, to put his mouth to her breasts.

On February 20, 2005, Agent Macfarlane logged into AOL in an undercover capacity as "Julie." At approximately 9:02 p.m., "Enviroworker1627" initiated another instant message chat session with "Julie", during which the following conversation occurred:

- a. "Enviroworker1627" told "Julie" that he obtained more pictures and offered

to send them to her. He then proceeded to send to "Julie" via e-mail 15 JPG photos which appeared to be child pornography. These photos depict females from approximately 5 to 16 years old in various nude poses with their genitalia exposed, sometimes engaged in sexual activity with adult males. These files were sent to "Julie" beginning at approximately 9:10p.m. Pacific Standard Time.

- b. "Enviroworker1627" asked, "but you interested in trying any [of the activities shown in the photos]?" "Enviroworker1627" then proceeded to again ask "Julie" if she would do various explicit sexual things with him.

On February 27, 2005, Agent Macfarlane logged into AOL in an undercover capacity as "Julie." At approximately 4:01 p.m., "Enviroworker1627" initiated another instant message chat session with "Julie", during which the following conversation occurred:

- a. "Julie" asked "Enviroworker1627" what was on his mind today. "Enviroworker1627" responded by saying, "sex." "Julie" asked who he wanted to have sex with. He responded, "anyone underaged." "Julie" then asked, "like me 12?" to which "Enviroworker1627" replied, "yup."
- b. "Enviroworker1627" again talked about meeting "Julie" in person and performing sexual acts on "Julie."
- c. "Enviroworker1627" then told "Julie" about a 12 year-old girl who lives near him. He said, "she bent over and man did she have a nice ass" and "she made my dick hard ."
- d. "Enviroworker1627" also talked about a 6 year-old girl who is a friend of his niece who "realy turns me on keeps showing her panties." He said that he watches this girl play and she does not know that he can see her underwear.

On November 13, 2004, Agent Macfarlane logged into AOL in an undercover capacity as "Julie." At approximately 7:48 p.m., "Enviroworker1627" initiated another instant message chat session with "Julie", during which the following conversation occurred:

- a. "Enviroworker1627" talked about his 12 year-old niece who he described as "sexy." "Enviroworker1627" also asked, "you think im a bad person to like little girls?"
- c. "Enviroworker1627" said that he likes it when his niece sits with her legs open because he can sometimes see her underwear. He also said, "if you ever want to meat her let me know i'll give her screen name just dont mention you know me." He then gave "Julie" his niece's AOL screen name, "littlebrit1627."
- d. "Enviroworker1627" then explained the purpose of having "Julie" chat with his niece. The following is an excerpt from the chat:

Enviroworker1627 [9:44 PM]: want me to let her sign on

CAJulie1992 [9:45 PM]: if u wanna i like talkn 2 u tho
Enviroworker1627 [9:45 PM]: i know but maybee you can find out if she likes me somehow and let me know
CAJulie1992 [9:45 PM]: im sure she likes u ur her uncle no?
Enviroworker1627 [9:46 PM]: i meant if she would ever let me see her
CAJulie1992 [9:47 PM]: u said u saw her in the bathroom
Enviroworker1627 [9:47 PM]: yeah but i want her to show me
Enviroworker1627 [9:47 PM]: while noones around
CAJulie1992 [9:47 PM]: show u wat?
Enviroworker1627 [9:48 PM]: anything
Enviroworker1627 [9:48 PM]: nevermind a can't ask you to do that for me
Enviroworker1627 [9:49 PM]: bad harvey bad harvey
CAJulie1992 [9:49 PM]: k i dont understnd but tat ok :)
Enviroworker1627 [9:49 PM]: :'(
Enviroworker1627 [9:49 PM]: i want to see her nude
Enviroworker1627 [9:50 PM]: boohoo im a bad man

On December 26, 2004, Agent Macfarlane logged into AOL in an undercover capacity as "Julie." At approximately 7:45 p.m., "Enviroworker1627" initiated another instant message chat session with "Julie", during which the following conversation occurred:

- a. "Enviroworker1627" sent via e-mail a JPG photograph of a dark-haired female approximately 10 years-old standing outside in the snow. "Julie" asked who the girl was, and he told it was his niece. The following is an excerpt of the chat at this point:

CAJulie1992 [7:47 PM]: oic the 1 u wanted me 2 chat wit?
Enviroworker1627 [7:47 PM]: only if you want
CAJulie1992 [7:47 PM]: wat u want me 2 talk 2 her bout?
Enviroworker1627 [7:48 PM]: brb
CAJulie1992 [7:48 PM]: k
Enviroworker1627 [7:50 PM]: just weather she is interested in men and if you could talk her into opening up to me you know
Enviroworker1627 [7:50 PM]: get her courious about me
Enviroworker1627 [7:51 PM]: but don't mention you know me just ask if there is any men around
CAJulie1992 [7:51 PM]: n if she like men?
Enviroworker1627 [7:51 PM]: yes
Enviroworker1627 [7:52 PM]: you know try to get her to want me you know what i mean
Enviroworker1627 [7:52 PM]: like ask her things and tell her like
Enviroworker1627 [7:52 PM]: would your uncle do this for you
Enviroworker1627 [7:52 PM]: ask him in private
CAJulie1992 [7:53 PM]: like wat things? i will ask i just wanna kno wat 2 say
Enviroworker1627 [7:53 PM]: first just introduce yourself you know asl
Enviroworker1627 [7:54 PM]: then say like you like older men
Enviroworker1627 [7:54 PM]: tell her yu do
Enviroworker1627 [7:54 PM]: and if she says yes say what is she courious about

Enviroworker1627 [7:54 PM]: you know get some info from her

CAJulie1992 [7:55 PM]: k wat u wanna have her do?

Enviroworker1627 [7:55 PM]: any thing i can let me touch finger suck rub her touch
me see anything

CAJulie1992 [7:56 PM]: oic u wanna do sex stuff wit her?

Enviroworker1627 [7:56 PM]: only if she can be convinced to

Enviroworker1627 [7:56 PM]: but need to tell her not to tell no one

- c. After "Julie" becomes hesitant to contact his niece, "Enviroworker1627" started to persist in asking "Julie" to chat with his niece by saying: "you going to im her"; "please...im begging you"; and "now was a perfect time though she is in their bored."
- d. After "Julie" refused to chat with his niece, "Enviroworker1627" said, "sorry i tried to get you to do that im a bad person." When "Julie" asked why he was a bad person, he responded, "because i am man i want to fuck my niece." Later in the conversation "Enviroworker1627" confirms to "Julie" that they have been talking about his niece who is approximately 10 years old.

On March 9, 2005, Agent Macfarlane reviewed a fax dated November 26, 2004 that had been provided by AOL regarding the AOL screen name "Enviroworker1627", from which I learned the following information:

- a. The subscriber information for the screen name "Enviroworker1627" is Gloria Pluff, 1003 John Wayne Road, Robstown, Texas, 78380.
- b. The subscriber's telephone number is (361) 767-9142 and the subscriber accesses the internet thought a dial-up type of service though AOL.
- c. There are five AOL screen names on this account including: "Enviroworker1627" and "littlebrit1627" (the same screen name "Enviroworker1627" represented to "Julie" as his niece).

On March 9, 2005, Agent Macfarlane reviewed a fax dated February 3, 2005, that had been provided by AOL regarding the AOL screen name "Enviroworker1627", from which I learned the following information:

- a. The subscriber information for the screen name "Enviroworker1627" is Gloria Pluff, 3720 Brookside Drive, Apartment 606, Corpus Christi, Texas 78380 (this change in address is consistent with "Enviroworker1627's" statements in the chats that he moved to Corpus Christi, Texas in December, 2004).
- b. The subscriber's telephone number is (361) 242-2272 and the subscriber accesses the internet thought a dial-up type of service though AOL.
- c. There are five AOL screen names on this account including "Enviroworker1627" and "littlebrit1627" (the same screen name "Enviroworker1627" represented to "Julie" as his niece).

On March 4, 2005, Agent Macfarlane checked Choicepoint, a commercially available database, for Gloria Pluff residing in Texas. Agent Macfarlane found one individual named Gloria Pluff who possibly lived at 1003 John Wayne Road, Robstown, Texas, 78380 (the same address listed by AOL). Agent Macfarlane also found that Harvey L. Pluff was a possible relative of Gloria Pluff (this is consistent with "Enviroworker1627's" statement in the chats that his wife's name is Gloria). Agent Macfarlane checked Choicepoint for Harvey L. Pluff and found that he possibly lived at 1003 John Wayne Road, Robstown, Texas, 78380.

On March 9, 2005, Agent Macfarlane examined the photograph on file with the Texas Department of Motor Vehicles for Harvey Lee Pluff, Jr., date of birth April 11, 1973, home address of 1003 Robstown, Texas 78380. Agent Macfarlane compared this photograph to the JPG photograph that "Enviroworker1627" had previously provided to "Julie" and found the photographs depict the same individual (it is also noted that in the above-described chat on November 13, 2004, "Enviroworker1627" identifies himself as "Harvey.")

On April 1, 2005, Agent Macfarlane reviewed a fax dated March 8, 2005, that had been provided by AOL regarding the AOL screen name "Enviroworker1627", from which Agent Macfarlane learned the following information:

- a. The account of "Enviroworker1627" was logged into AOL on February 20, 2005 at 9:02p.m. (Pacific Standard Time) from IP address 24.243.117.160 (as described above, "Enviroworker1627" sent numerous images that appeared be child pornography to "Julie" at approximately 9:10p.m. Pacific Standard Time on this same date).

On April 1, 2005, Agent Macfarlane reviewed a fax dated April 1, 2005, that had been provided by Time Warner Cable from which he learned the following information:

- a. On February 20, 2005 at 9:10pm Pacific Standard Time, IP address 24.243.117.160 was being used by Time Warner Cable customer Harvey Perry, social security number 063-32-3005, address of 3720 Brookside Drive, Apartment 606, Corpus Christi, Texas 78410.
- b. The above address is both the billing address and the physical address to where the internet service is provided.

On April 5, 2005, Agent Macfarlane monitored a consensually recorded telephone call between Pluff and FBI Special Agent Adrienne Mitchell, who was posing as a 12 year-old girl named "Julie." During this telephone conversation, Agent Macfarlane learned the following:

- a. Regarding the sexually explicit images that he had previously sent to "Julie," Pluff stated that, "Those pictures ain't on the computer....They're on a disk."
- b. Pluff later stated that those images are on a disk located at his residence that is marked "recovery disk."

On April 8, 2005, a search warrant was served at the residence of Harvey Lee Pluff, Jr. and Gloria Pena, located at 3720 Brookside Drive, Apartment 606, Corpus Christi, Texas 78410. A

preliminary forensic examination was conducted on a Hewlett Packard computer, Model A523X, MXK4370XD3, by Corpus Christi Police Department Sergeant Robert McFarland and Computer Forensic Specialist Kenneth Patterson, which was located at the residence. Gloria Pena indicated she and Harvey Lee Pluff, Jr. rented the computer from Rent-A-Center in Robstown, Texas. Pena said the computer was new and "out of the box." Approximately 70 images containing suspected child pornography were located on the hard drive of the computer.

SA Macfarlene provided Affiant with images of Harvey Lee Pluff, Jr. and Brittany Pena, which Pluff sent to him online. Gloria Pena was presented with the images and she recognized them as Harvey L. Pluff and her niece, Brittany Pena, respectively. She identified them by writing their names on their images.

On April 8, 2005, an interview with Harvey Lee Pluff, Jr. was conducted by Affiant and SA Jeffrey Nors. Pluff related he had been in contact online with an individual identified as "CAJulie1992". Pluff said this person was someone he talked to for a couple of months, beginning around the time he moved to the current apartment where he was residing.

On April 15, 2005, Affiant and SA Jeffrey Nors interviewed Rent-A-Center Store Manager Javier Hinojosa in Robstown, Texas. Hinojosa provided a copy of the rental contract of Gloria (Pena) Pluff and Harvey Pluff for: "Computer equi/Computer, Serial # MXK4370XD3, Model A523X". The condition of the property reflected "NEW", which meant the computer had not been rented previously.

Affiant and SA Nors met with Country Estates Apartment Manager Laney Young, who provided copies of the rental agreement for apartment 606. Apartment 606 was rented on December 10, 2004 by Gloria Pena and Harvey Pluff.

John F. Ross
SA, FBI
04-21-2005

*Sworn to before me this 21st day
of April, 2005*

Brian E. May Jr.
US Magistrate Judge